

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>10/7/11</u>
--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,	:	10 Cr. 553 (SHS)
-against-	:	<u>ORDER</u>
MONDHER BEJAOU,	:	
Defendant.	:	

-----X

SIDNEY H. STEIN, U.S. District Judge.

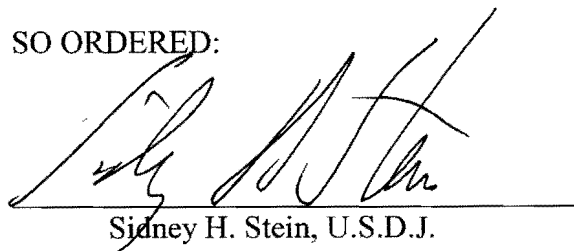
Upon the joint motion of the government and the defendant, pursuant to 18 U.S.C. § 4241(a) to determine the mental competency of the defendant, and the receipt by the Court and the parties of the forensic report of Shawn Channell, Ph.D. of the Federal Bureau of Prisons dated October 6, 2011, and that report having concluded that it was the opinion of Dr. Channell “that Mr. Bejaoui’s severe depressive and psychotic symptoms significantly impair his ability to understand the nature and consequences of the proceedings against him and his ability to assist properly in his defense” and “recommended that he be committed for further evaluation and treatment for restoration of competency pursuant to Title 18, U.S. Code, Section 4241(d),” and a pretrial conference having been held today, with all parties present and defendant’s attorney having waived his client’s appearance given his continued detention in the Federal Medical Center in Devens, and the parties having specifically waived their rights under 18 U.S.C. § 4241(c) to a hearing for the reasons set forth on the record,

IT IS HEREBY ORDERED that:

1. The Court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense and the Court commits the defendant to the custody of the Attorney General for hospitalization or treatment in a suitable facility for such reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the mental capacity to permit the proceedings to go forward.
2. The Bureau of Prisons is directed to report to the Court and the parties in writing as soon as it is able to reach a determination on that issue and in no event later than 120 days from the entry of this Order.
3. The next pretrial conference will be held January 9, 2012 at 2:30 p.m.

Dated: New York, New York
October 6, 2011

SO ORDERED:



Sidney H. Stein, U.S.D.J.